

**IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF MISSOURI**

JOHNETTA BERRYMAN,

Plaintiff,

v.

DOUG BRADLEY TRUCKING, INC.

Defendant.

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Case No.: 2216-CV04914

NOTICE OF FILING OF NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C §§ 1332(a) and 1441(b), Defendant Doug Bradley Trucking, Inc. did on the 24th day of June, 2022, file a Notice of Removal in the United State District Court for the Western District of Missouri, a copy of which is attached hereto at **Exhibit “A,”** and that said matter shall proceed hereafter in the United States District Court for the Western District of Missouri.

Respectfully submitted by,

/s/Michael C. Kirkham

Michael C. Kirkham, MO #42593

Sanders Warren & Russell LLP

Compass Corporate Centre

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Phone: (913) 234-6100

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ATTORNEYS FOR DEFENDANT



CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 2022, the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

Kurt E. Wolfgram
Wolfgram & Associates, PC
462 N. Taylor Avenue, Suite 300
St. Louis, Missouri 63108
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kw@wolfgramlaw.com
ATTORNEY FOR PLAINTIFF

/s/Michael C. Kirkham
Attorney

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JOHNETTA BERRYMAN,)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	
DOUG BRADLEY TRUCKING, INC.)	
)	
Defendant.)	

NOTICE OR REMOVAL OF CIVIL ACTION

COMES NOW Defendant Doug Bradley Trucking, Inc., by and through undersigned counsel, and pursuant to 28 U.S.C. §1332(a) and §1441(b) hereby invokes this Court's jurisdiction based on diversity of citizenship. In support of this removal, Defendant states as follows:

1. This case arises from a motor vehicle accident that occurred on or about October 1, 2020, in Jackson County, Missouri.
2. On March 4, 2022, an action was commenced in the Circuit Court of Jackson County, Missouri styled as *Johnetta Berryman v. Doug Bradley Trucking, Inc.*, Case No.: 2216-CV04914.
3. As the state court action was filed in Jackson County, Missouri, removal to this district is proper pursuant to 28 U.S.C. § 1441(a) in that this is the district court and division embracing the place where this action is pending.
4. Defendant was served with summons of this case on June 9, 2022. Defendant had thirty (30) days pursuant to 28 U.S.C. § 1446(b) to remove this civil action to federal court. Thus, this notice is timely.
5. A copy of the pleadings in the state court action are attached hereto as **Exhibit A**.

6. This Notice of Removal is being filed pursuant to 28 U.S.C. §1332(a) and §1441(b), based upon diversity of citizenship.

7. The United States District Court for the Western District of Missouri has jurisdiction over Plaintiff's claims due to the fact that diversity of citizenship exists between Plaintiff, a Missouri resident, and Defendant, a Kansas Corporation with its principal place of business in Kansas, and the amount-in-controversy requirement can reasonably be assumed to be met, based on the nature of the allegations that Plaintiff suffered permanent injuries to her neck, back and pelvis requiring medical care and treatment and significant emotional distress.

8. A Notice of Filing of Notice of Removal and a copy of this Notice of Removal are being filed in the Circuit Court of Jackson County, Missouri and copies of the same are being sent via electronic mail to Plaintiff, through her counsel of record, pursuant to 28 U.S.C. §1446. The Notice of Filing of Notice of Removal is attached hereto as **Exhibit B**.

9. Defendant hereby demands a trial by jury on all issues.

WHEREFORE, Defendant Doug Bradley Trucking, Inc. prays that this action be removed from the Circuit Court of Jackson County, Missouri, where it is now pending, to the United States District Court for the Western District of Missouri, that this Court accept jurisdiction of this action and that this action be placed on the docket of this Court for further proceedings as though this case had originally been instituted in this Court.

Respectfully submitted by,

/s/Michael C. Kirkham

Michael C. Kirkham, MO #42593

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ATTORNEY FOR PLAINTIFF

/s/Michael C. Kirkham

Attorney

**IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF MISSOURI**

JOHNETTA BERRYMAN,

Plaintiff,

v.

DOUG BRADLEY TRUCKING, INC.,

Serve at: Registered Agent
Frank W. Taylor
4420 Madison Ave.
Kansas City, MO 64111

Defendant.

Case No.

Div. No.

JURY TRIAL DEMANDED.

PETITION

COMES NOW Plaintiff Johnetta Berryman, by and through her counsel, Kurt Wolfgram of Wolfgram & Associates P.C., and for her claim states as follows:

COUNT I – AUTOMOBILE NEGLIGENCE

1. Plaintiff Johnetta Berryman is a resident of St. Louis County, Missouri.
2. Defendant Doug Bradley Trucking, Inc. is a Kansas company that is registered to conduct its usual and customary business in the State of Missouri.
3. At all times relevant herein, Missouri Highway 291 is an open and public roadway in Jackson County, Missouri.
4. On October 1, 2020, Plaintiff Johnetta Berryman was traveling northbound on Missouri Highway 291 at 32nd St. behind a tractor and single trailer owned by Defendant Doug Bradley Trucking, Inc.



5. At all times mentioned herein, the tractor and trailer owned by Defendant was operated by Donald Reimer in the course and scope of his employment with Defendant Doug Bradley Trucking, Inc.

6. Plaintiff Johnetta Berryman slowed to a stop behind Defendant Doug Bradley Trucking, Inc.'s tractor and trailer, which slowed to a stop for the red electric signal for northbound Missouri Highway 291 at 32nd Street.

7. While Plaintiff Johnetta Berryman was stopped, Donald Reimer, backed into Plaintiff Johnetta Berryman's vehicle.

8. Donald Reimer, was negligent in one or more of the following respects:

- a. failing to keep a careful lookout;
- b. backing a tractor and trailer in the through lane of the highway;
- c. backing his tractor and trailer when it was not safe to do so;
- d. He failed to sound a warning or take evasive action when she knew or should have known the likelihood of collision; and
- e. Was driving when distracted, over hours, or otherwise at diminished capacity;
- f. failing to exercise the highest degree of care owed by drivers of commercial motor vehicles on Missouri roadways.

9. The aforesaid negligence of Donald Reimer, acting in the course and scope of his employment with Defendant Doug Bradley Trucking, Inc. constitutes negligence per se.

10. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff Johnetta Berryman suffered injuries to her neck, back, and pelvis, together with

emotional distress and pain and suffering, all of which are permanent and progressive in nature for which she will continue to suffer in the future.

11. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff Johnetta Berryman has incurred over \$37,000.00 in medical expenses and is reasonably certain to sustain additional loss in the future for additional medical treatment.

12. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff Johnetta Berryman has incurred vehicular damage in the amount of \$1,913.21.

13. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff Johnetta Berryman has incurred over \$5,000.00 in lost wages and is reasonably certain to sustain additional lost wages in the future.

WHEREFORE, Plaintiff Johnetta Berryman prays for judgment against Defendant Doug Bradley Trucking, Inc. for damages in an amount in excess of \$25,000.00 as will fairly and justly compensate Plaintiff for the damages she has sustained, in the past, present and future, for all costs herein, for prejudgment interest and for such further relief the Court deems necessary and proper under the circumstances.

Respectfully Submitted,

Wolfgram & Associates, P.C.

/s/ Kurt E. Wolfgram
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ATTORNEY FOR PLAINTIFF

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